

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 22, 2012

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. John Fette, followed by the Pledge of Allegiance led by Senate page Mikayla Nepper.

Roll Call: All members present except Sens. Cutler and Hundstad who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Bob Gray, Chair

Which motion prevailed.

SIGNING OF BILLS

The President publicly read the title to

SB 8: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the calculation of state aid to special education.

SB 13: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to reunification and termination of parental rights.

SB 20: FOR AN ACT ENTITLED, An Act to allow returns and return information to be disclosed to officers, employees, and legal representatives of the Office of the Attorney General and other state agencies and departments.

SB 29: FOR AN ACT ENTITLED, An Act to authorize the establishment of a designated Roth contribution program within the state deferred compensation plan.

SB 30: FOR AN ACT ENTITLED, An Act to allow for the development of an alternative benefit enhancement methodology within the South Dakota Retirement System.

SB 31: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South Dakota Retirement System, the South Dakota deferred compensation plan, and the South Dakota special pay retirement program.

SB 58: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections conducted at voting centers and to declare an emergency.

And signed the same in the presence of the Senate.

COMMUNICATIONS AND PETITIONS

February 22, 2012

Mr. President and Members of the Senate:

I have the honor to inform you that on February 21, 2012, I approved Senate Bills 7, 33, 34, 51, and 102, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

1 **REPORTS OF STANDING COMMITTEES**

2 MR. PRESIDENT:

3 The Committee on Local Government respectfully reports that it has had under
4 consideration HB 1130, 1179, and 1247 and returns the same with the recommendation that said
5 bills do pass.

6 Also MR. PRESIDENT:

7 The Committee on Local Government respectfully reports that it has had under
8 consideration HB 1156 and 1178 and returns the same with the recommendation that said bills
9 do pass and be placed on the consent calendar.

10 Respectfully submitted,
11 Todd Schlekeway, Chair

12 Also MR. PRESIDENT:

13 The Committee on Taxation respectfully reports that it has had under consideration
14 HB 1197, which was reconsidered, which was tabled.

15 Respectfully submitted,
16 Tom Hansen, Chair

17 Also MR. PRESIDENT:

18 The Committee on Appropriations respectfully reports that it has had under consideration
19 HB 1206 and returns the same with the recommendation that said bill be amended as follows:

20 1206ub

21 On page 1, line 6, of the House Appropriations Committee engrossed bill, delete "a grant
22 to Feeding South Dakota" and insert "grants".

23 On page 1, line 6, after "assistance." insert "The department shall issue requests for
24 proposals in accordance with chapter 5-18A and may award emergency food assistance grants
25 for a period not to exceed four years. Any grantee awarded funds shall provide a fiscal
26 accounting and program performance data on an annual basis."

1 1206uta

2 On page 1, line 1, of the House Appropriations Committee engrossed bill, delete "Feeding
3 South Dakota" and insert "emergency food assistance grants".

4 And that as so amended said bill do pass.

5 Respectfully submitted,
6 Corey Brown, Chair

7 Also MR. PRESIDENT:

8 The Committee on Health and Human Services respectfully reports that it has had under
9 consideration HB 1187 and 1254 and returns the same with the recommendation that said bills
10 do pass.

11 Also MR. PRESIDENT:

12 The Committee on Health and Human Services respectfully reports that it has had under
13 consideration HB 1171, which was reconsidered, which was removed from the table, and returns
14 the same with the recommendation that said bill be amended as follows:

15 1171fa

16 On the House engrossed bill, delete everything after the enacting clause and insert:

17 "Section 1. That chapter 21-3 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 In determining what constitutes the reasonable value of the services for which special
20 damages may be awarded pursuant to § 21-3-12, both the amount billed for such services and
21 the amount paid for such services are admissible evidence."

22 1171fta

23 On page 1, line 1, of the House engrossed bill, delete everything after "Act to" and insert
24 "clarify certain rules of evidence to determine the value of services for which special damages
25 may be awarded in health care malpractice cases."

26 On page 1, delete line 2.

27 And that as so amended said bill do pass.

28 Respectfully submitted,
29 Jean M. Hunhoff, Chair

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 HB 1182 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on State Affairs respectfully reports that it has had under consideration
6 HB 1138 and returns the same with the recommendation that said bill be amended as follows:

7 1138oc

8 On page 1, line 10, of the House State Affairs Committee engrossed bill, delete "chapters"
9 and insert "chapter".

10 And that as so amended said bill do pass.

11 Also MR. PRESIDENT:

12 The Committee on State Affairs respectfully reports that it has had under consideration
13 HB 1196 and returns the same with the recommendation that said bill be amended as follows:

14 1196oa

15 On page 1, line 7, of the printed bill, delete "or" and insert "of".

16 And that as so amended said bill do pass and be placed on the consent calendar.

17 Respectfully submitted,
18 Larry Rhoden, Chair

19 Also MR. PRESIDENT:

20 The Committee on Legislative Procedure respectfully reports that SB 4, 9, 14, 15, 23, 32,
21 35, 36, 38, 45, and 50 were delivered to his Excellency, the Governor, for his approval at
22 10:50 a.m., February 22, 2012.

23 Also MR. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
25 and Enrolling has carefully compared SB 8, 13, 20, 29, 30, 31, 58, 62, 65, 66, 67, 73, 81, 83, 87,
26 93, 100, 111, 113, and 116 and finds the same correctly enrolled.

27 Respectfully submitted,
28 Bob Gray, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith HCR 1011 which has been adopted by the House and your concurrence is respectfully requested.

Also MR. PRESIDENT:

I have the honor to return herewith SB 99 which has been amended by the House and your concurrence in the amendments is respectfully requested.

Also MR. PRESIDENT:

I have the honor to return herewith SB 8, 13, 20, 29, 30, 31, 42, 58, 62, 65, 66, 67, 73, 81, 83, 87, 93, 100, 111, 113, and 116 which have passed the House without change.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to HB 1071.

Respectfully,
Karen Gerdes, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Olson moved that HB 1018, 1046, and 1117 be deferred to Thursday, February 23, the 26th legislative day.

Which motion prevailed.

Sen. Hunhoff moved that the Senate do concur in House amendments to SB 72.

The question being on Sen. Hunhoff's motion that the Senate do concur in House amendments to SB 72.

And the roll being called:

1 Yeas 31, Nays 1, Excused 3, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
4 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Nelson (Tom);
5 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden; Sutton;
6 Tidemann; Tieszen; Vehle

7 Nays:

8 Maher

9 Excused:

10 Cutler; Hundstad; Schlekeway

11 So the motion having received an affirmative vote of a two-thirds majority of the members-
12 elect, the President declared the motion carried and the amendments were concurred in.

13 HCR 1010: A CONCURRENT RESOLUTION, Urging Congress to adopt a proposed
14 constitutional amendment limiting federal legislation to a single subject.

15 Was read the second time.

16 Sen. Frerichs moved that the Senate do concur in HCR 1010 as found on page 503 of the
17 House Journal.

18 The question being on Sen. Frerichs' motion that HCR 1010 be concurred in.

19 And the roll being called:

20 Yeas 31, Nays 1, Excused 3, Absent 0

21 Yeas:

22 Adelstein; Begalka; Bradford; Brown; Frerichs; Fryslie; Hansen (Tom); Haverly; Heineman;
23 Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson (Tom);
24 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
25 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

26 Nays:

27 Buhl

28 Excused:

29 Cutler; Gray; Hundstad

30 So the motion having received an affirmative vote of a majority of the members-elect, the
31 President declared the motion carried and HCR 1010 was concurred in.

1 HCR 1011: A CONCURRENT RESOLUTION, Requesting that a United States Navy
2 submarine be named the USS South Dakota.

3 Was read the first time, the President waived the referral to committee, and placed
4 HCR 1011 on the calendar of Thursday, February 23, the 26th legislative day.

5 CONSIDERATION OF REPORTS OF COMMITTEES

6 Sen. Olson moved that the report of the Standing Committee on
7 Agriculture and Natural Resources on HB 1230 as found on page 480 of the Senate Journal
8 be adopted.

9 Which motion prevailed.

10 SECOND READING OF CONSENT CALENDAR ITEMS

11 HB 1097: FOR AN ACT ENTITLED, An Act to revise certain provisions regulating the
12 investment of unneeded state operating expenses in banks.

13 Was read the second time.

14 The question being "Shall HB 1097 pass?"

15 And the roll being called:

16 Yeas 33, Nays 0, Excused 2, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
19 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
20 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
21 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

22 Excused:

23 Cutler; Hundstad

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

1 HB 1125: FOR AN ACT ENTITLED, An Act to clarify the definition of engaging in
2 business in certain circumstances.

3 Was read the second time.

4 The question being "Shall HB 1125 pass?"

5 And the roll being called:

6 Yeas 33, Nays 0, Excused 2, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
9 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
10 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
11 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

12 Excused:

13 Cutler; Hundstad

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 HB 1229: FOR AN ACT ENTITLED, An Act to exempt certain persons from the
17 requirement to license as a mortgage loan originator.

18 Was read the second time.

19 The question being "Shall HB 1229 pass?"

20 And the roll being called:

21 Yeas 33, Nays 0, Excused 2, Absent 0

22 Yeas:

23 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
24 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
25 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
26 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

27 Excused:

28 Cutler; Hundstad

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 HB 1095: FOR AN ACT ENTITLED, An Act to revise the procedure for the discharge of
2 civil judgments against a person who has received a discharge of debt pursuant to the United
3 States Code, Title 11.

4 Was read the second time.

5 The question being "Shall HB 1095 pass?"

6 And the roll being called:

7 Yeas 33, Nays 0, Excused 2, Absent 0

8 Yeas:

9 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
10 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
11 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
12 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

13 Excused:

14 Cutler; Hundstad

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 HB 1114: FOR AN ACT ENTITLED, An Act to amend provision limiting the time used
18 to determine if a violation is a third or subsequent offense.

19 Was read the second time.

20 The question being "Shall HB 1114 pass?"

21 And the roll being called:

22 Yeas 33, Nays 0, Excused 2, Absent 0

23 Yeas:

24 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
25 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
26 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
27 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

28 Excused:

29 Cutler; Hundstad

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1160: FOR AN ACT ENTITLED, An Act to provide for the award of filing fees as
4 court costs in certain appeals.

5 Was read the second time.

6 The question being "Shall HB 1160 pass?"

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 2, Absent 0

9 Yeas:

10 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
11 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
12 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
13 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

14 Excused:

15 Cutler; Hundstad

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1194: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
19 payment for rape and sexual offense examinations.

20 Was read the second time.

21 The question being "Shall HB 1194 pass?"

22 And the roll being called:

23 Yeas 33, Nays 0, Excused 2, Absent 0

24 Yeas:

25 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
26 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
27 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
28 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

29 Excused:

30 Cutler; Hundstad

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1245: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
4 suspension of a driver license for certain alcoholic beverage violations.

5 Was read the second time.

6 The question being "Shall HB 1245 pass as amended?"

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 2, Absent 0

9 Yeas:

10 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
11 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
12 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
13 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

14 Excused:

15 Cutler; Hundstad

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

19 HB 1066: FOR AN ACT ENTITLED, An Act to allow for the cremation of deceased
20 persons who are indigent and the funeral expenses are the financial responsibility of the county.

21 Was read the second time.

22 1066fe

23 Sen. Bradford moved that HB 1066 be further amended as follows:

24 On page 2, line 6, of the House Local Government Committee engrossed bill, after "the"
25 insert "tribe or".

26 On page 2, line 9, before "next" insert "tribe or".

27 Which motion prevailed.

1 The question being "Shall HB 1066 pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 0, Excused 2, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
6 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
7 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
8 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

9 Excused:

10 Cutler; Hundstad

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1131: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
14 posting of public notice for meetings of public bodies.

15 Was read the second time.

16 The question being "Shall HB 1131 pass as amended?"

17 And the roll being called:

18 Yeas 32, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
21 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher;
22 Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
23 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Cutler; Hundstad; Nelson (Tom)

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1064: FOR AN ACT ENTITLED, An Act to allow the Supreme Court to establish
29 certain rules for the use of interactive audio visual equipment and to provide for the collection
30 and deposit of fees for the use thereof.

1 Was read the second time.

2 The question being "Shall HB 1064 pass?"

3 And the roll being called:

4 Yeas 32, Nays 0, Excused 3, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
7 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
8 (Tom); Novstrup (Al); Nygaard; Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway;
9 Sutton; Tidemann; Tieszen; Vehle

10 Excused:

11 Cutler; Hundstad; Olson (Russell)

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 Sen. Brown moved that HB 1059 be placed to follow HB 1199 on today's calendar.

15 Which motion prevailed.

16 HB 1121: FOR AN ACT ENTITLED, An Act to amend rate stability provisions to include
17 plant additions.

18 Was read the second time.

19 The question being "Shall HB 1121 pass?"

20 And the roll being called:

21 Yeas 32, Nays 0, Excused 3, Absent 0

22 Yeas:

23 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
24 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
25 (Tom); Novstrup (Al); Nygaard; Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway;
26 Sutton; Tidemann; Tieszen; Vehle

27 Excused:

28 Cutler; Hundstad; Olson (Russell)

29 So the bill having received an affirmative vote of a two-thirds majority of the members-
30 elect, the President declared the bill passed and the title was agreed to.

1 HB 1083: FOR AN ACT ENTITLED, An Act to provide for term limits for brand board
2 service.

3 Was read the second time.

4 The question being "Shall HB 1083 pass as amended?"

5 And the roll being called:

6 Yeas 10, Nays 23, Excused 2, Absent 0

7 Yeas:

8 Begalka; Bradford; Brown; Frerichs; Gray; Lederman; Maher; Rampelberg; Sutton; Vehle

9 Nays:

10 Adelstein; Buhl; Fryslie; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff (Jean); Johnston;
11 Juhnke; Kraus; Krebs; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam;
12 Rave; Rhoden; Schlekeway; Tidemann; Tieszen

13 Excused:

14 Cutler; Hundstad

15 So the bill not having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill lost.

17 HB 1227: FOR AN ACT ENTITLED, An Act to revise certain provisions with regard to
18 the rights of industrial and construction equipment dealers.

19 Was read the second time.

20 The question being "Shall HB 1227 pass as amended?"

21 And the roll being called:

22 Yeas 33, Nays 0, Excused 2, Absent 0

23 Yeas:

24 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
25 Heineman; Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Lederman; Maher; Nelson
26 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden;
27 Schlekeway; Sutton; Tidemann; Tieszen; Vehle

28 Excused:

29 Cutler; Hundstad

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 President declared the bill passed and the title was agreed to.

1 HB 1039: FOR AN ACT ENTITLED, An Act to exempt certain impaired driving
2 violations from the statutory limitation on enhanced penalties for second, third, or subsequent
3 violations.

4 Was read the second time.

5 The question being "Shall HB 1039 pass?"

6 And the roll being called:

7 Yeas 25, Nays 7, Excused 3, Absent 0

8 Yeas:

9 Adelstein; Brown; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hunhoff (Jean);
10 Johnston; Kraus; Krebs; Lederman; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters;
11 Putnam; Rampelberg; Rave; Rhoden; Schlekeway; Tidemann; Tieszen; Vehle

12 Nays:

13 Begalka; Bradford; Buhl; Frerichs; Maher; Nygaard; Sutton

14 Excused:

15 Cutler; Hundstad; Juhnke

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 Sen. Olson moved that the balance of the calendar including HJR 1006 and HB 1017,
19 1051, 1164, 1199, and 1059 be deferred to Thursday, February 23, the 26th legislative day.

20 Which motion prevailed.

21 There being no objection, the Senate reverted to Order of Business No. 5.

22 **REPORTS OF STANDING COMMITTEES**

23 MR. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that SB 58 was delivered to
25 his Excellency, the Governor, for his approval at 2:46 p.m., February 22, 2012.

26 Respectfully submitted,
27 Bob Gray, Chair

SIGNING OF BILLS

The President publicly read the title to

SB 62: FOR AN ACT ENTITLED, An Act to allow certain alcoholic beverage licensees to charge a corkage fee for serving wine supplied by customers and to allow customers to remove a partially consumed bottle of wine from certain alcoholic beverage licensees.

SB 65: FOR AN ACT ENTITLED, An Act to revise the list of products offered to consumers by motor vehicle dealers and sales finance companies.

SB 66: FOR AN ACT ENTITLED, An Act to permit the filing of certain documents with the secretary of state by electronic means and to remove the notary requirements.

SB 67: FOR AN ACT ENTITLED, An Act to provide provisions that all documents filed with and maintained by the Office of the Secretary of State may be filed electronically.

SB 73: FOR AN ACT ENTITLED, An Act to repeal the provisions regarding the assessment of real property located in a floodplain.

SB 81: FOR AN ACT ENTITLED, An Act to provide for a special license plate for certain persons on active duty in the military.

SB 83: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to water development districts.

SB 87: FOR AN ACT ENTITLED, An Act to allow military spouses to receive unemployment compensation if they leave their jobs due to a spouse's military transfer.

SB 93: FOR AN ACT ENTITLED, An Act to provide for the withdrawal of referred measures in certain circumstances.

SB 100: FOR AN ACT ENTITLED, An Act to modify the ethanol production incentive payment to include qualified producers of biobutanol.

SB 111: FOR AN ACT ENTITLED, An Act to revise the mining permit fees.

SB 113: FOR AN ACT ENTITLED, An Act to provide for special motor vehicle license plates for recipients of the silver star medal, distinguished service cross, navy cross, air force cross, distinguished flying cross, bronze star medal with valor device, or the bronze star medal.

SB 116: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the township road system.

HB 1019: FOR AN ACT ENTITLED, An Act to revise the license fee for snowmobiles and to revise the period of such license.

1 HB 1031: FOR AN ACT ENTITLED, An Act to establish a license fee and a renewal fee
2 for carriers licensing under the International Fuel Tax Agreement, to establish a decal fee and
3 a mailing fee, and to provide for the disposition of the fees.

4 HB 1032: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the
5 temporary permit for a specialty license plate with an organization or first responder decal.

6 HB 1116: FOR AN ACT ENTITLED, An Act to exempt bedding used for agricultural
7 purposes from sales and use taxes.

8 HB 1162: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
9 platting and annexation of subdivisions.

10 HB 1163: FOR AN ACT ENTITLED, An Act to allow political subdivisions of the state
11 to operate as organizations formed under § 58-18-52 for the purchase of health insurance.

12 HB 1172: FOR AN ACT ENTITLED, An Act to exempt certain developer-installed storm
13 sewer detention ponds from public procurement bid requirements.

14 HB 1173: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 administration of the county legal expense relief program.

16 HB 1233: FOR AN ACT ENTITLED, An Act to provide for the public access to the
17 records of former Governors and lieutenant governors.

18 HJR 1002: A JOINT RESOLUTION, To propose a constitutional amendment to repeal
19 certain reimbursement restrictions for travel by legislators to and from a legislative session.

20 And signed the same in the presence of the Senate.

21 **COMMEMORATIONS**

22 SC 13 Introduced by: Senators Gray, Begalka, Frerichs, Hansen (Tom), Haverly, Johnston,
23 Juhnke, Maher, Nelson (Tom), Putnam, Rampelberg, Rhoden, Schlekeway, Tidemann, and
24 Tieszen and Representatives Perry, Abdallah, Boomgarden, Carson, Cronin, Dennert, Fargen,
25 Greenfield, Hawley, Kirkeby, Kirschman, Kopp, Miller, Olson (Betty), Russell, Solum, Steele,
26 Street, Turbiville, Van Gerpen, and Verchio

27 A LEGISLATIVE COMMEMORATION, Honoring the Pierre Junior Shooters BB Gun Team
28 as National Champions.

29 WHEREAS, the Pierre Junior Shooters BB Gun Team participated in the 46th Annual Daisy
30 National BB Gun Championship Match in Rogers, Arkansas, on July 2-3, 2011; and

31 WHEREAS, the Pierre Junior Shooters BB Gun Team competed against forty-seven other
32 teams and captured the Daisy National Championship with a score of two thousand three

1 hundred eighty out of a possible two thousand five hundred points and in the process of winning
2 this championship scored a perfect five hundred on the written test; and

3 WHEREAS, this team was led to victory under the guidance and dedication of coaches John
4 Forman and Gene Garber; and

5 WHEREAS, the team members Bristol Nielsen, Kady Nielsen, Nolan Ortbahn, Megan
6 Stulken, and William Zebroski, and team alternates John Erickson and Cassandra Ryckman
7 exhibited consistency, determination, knowledge, and sportsmanship throughout the season:

8 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
9 the State of South Dakota, that the Pierre Junior Shooters BB Gun Team be honored and
10 recognized for their excellent marksmanship and score in winning the 46th annual Daisy
11 National BB Gun Championship.

12 SC 14 Introduced by: Senators Novstrup (Al), Adelstein, Begalka, Bradford, Brown, Buhl,
13 Frerichs, Fryslie, Gray, Hansen (Tom), Haverly, Heineman, Holien, Hunhoff (Jean), Juhnke,
14 Kraus, Krebs, Lederman, Maher, Nelson (Tom), Nygaard, Olson (Russell), Peters, Putnam,
15 Rampelberg, Rave, Rhoden, Schlekeway, Sutton, Tidemann, Tieszen, and Vehle and
16 Representatives Novstrup (David), Abdallah, Blake, Bolin, Brunner, Carson, Conzet, Cronin,
17 Deelstra, Dennert, Dryden, Elliott, Fargen, Feickert, Feinstein, Gibson, Gosch, Greenfield,
18 Haggar, Hansen (Jon), Hawley, Hickey, Hubbel, Hunhoff (Bernie), Hunt, Iron Cloud III, Jones,
19 Killer, Kirkeby, Kirschman, Kloucek, Kopp, Liss, Lucas, Lust, Magstadt, Moser, Munsterman,
20 Nelson (Stace), Olson (Betty), Rausch, Romkema, Rozum, Russell, Schaefer, Schrempp, Scott,
21 Sigdestad, Sly, Solum, Steele, Street, Tornow, Tulson, Turbiville, Van Gerpen, Vanneman,
22 Venner, Verchio, White, Wick, Willadsen, Wink, and Wismer

23 A LEGISLATIVE COMMEMORATION, Congratulating Aberdeen, South Dakota, for its
24 recognition as one of the 100 Best Communities for Young People.

25 WHEREAS, America's Promise Alliance, sponsored by ING, annually recognizes
26 communities that provide outstanding services and supports to their youth; and

27 WHEREAS, Aberdeen was recognized in 2011 as one of the 100 Best Communities for
28 Young People by America's Promise Alliance and ING, the only community in South Dakota
29 recognized for this distinction in 2011; and

30 WHEREAS, Aberdeen's community profile highlighting the work recognized by the
31 America's Promise Alliance and ING is very extensive and crosses all community lines and
32 boundaries:

33 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
34 the State of South Dakota, that Aberdeen, South Dakota, be congratulated and honored for again
35 being one of the 100 Best Communities for Young People and for putting Aberdeen and South
36 Dakota in the national headlines.

1 SC 15 Introduced by: Senator Brown and Representatives Cronin and Hoffman

2 A LEGISLATIVE COMMEMORATION, Honoring and congratulating Orient, South Dakota,
3 on the one hundred twenty-fifth anniversary of its founding.

4 WHEREAS, Orient was officially organized on October 3, 1887, and became a booming
5 town nicknamed the Metropolis of the Great Ree Valley. Orient was named from a list provided
6 by the Milwaukee Railroad, when John T. Campbell gave land for the townsite stipulating,
7 however, that the town not be named after him; and

8 WHEREAS, Orient has been the home of state legislators A.J. Porter, Frank Swope, Oscar
9 Hagen, and Dale Hargens; and Archie McKay, who served twenty years on the Game, Fish and
10 Parks Commission; and

11 WHEREAS, the town of Orient has been popular for roller skating, ball games, dances, and
12 motorcycle rallies. Orient has earned twenty-four state championships in boys', girls', women's,
13 and co-ed baseball and softball. Virgil Hansen coached the boys' teams for forty-two years.
14 Girls' and women's coach Kathy Remmers was named 2002 Softball Coach of the Decade and
15 was inducted into the South Dakota Softball Hall of Fame in 2003; and

16 WHEREAS, the post office was moved to Orient from Mentone in 1887 and has served the
17 community well for one hundred twenty-five years. The Orient Volunteer Fire Department is
18 recognized for its commitment in updating the fire hall and fire trucks and for training. Orient
19 schools operated from 1888 through 1976. An all-school reunion is planned for July 6, 2012;
20 and

21 WHEREAS, Orient survived drought and depression and enjoyed prosperity during the last
22 one hundred twenty-five years and remains today a community of sixty-three town residents and
23 many rural supporters. The citizens of Orient, in gratitude for the heritage of faith and
24 community spirit passed down through the generations, are enthusiastically planning a
25 celebration to commemorate Orient's quasiquicentennial on July 6-8, 2012:

26 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
27 the State of South Dakota, that Orient, South Dakota, be congratulated for one hundred
28 twenty-five years of contribution to its local area and to the state, and best wishes be extended
29 to the citizens of Orient for continued prosperity and community dedication in its future.

30 Sen. Nygaard moved that the Senate do now adjourn, which motion prevailed and at
31 3:45 p.m. the Senate adjourned.

32 Fee Jacobsen, Secretary